

Message Text

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INFO OCT-01 EUR-25 ADP-00 L-03 EA-11 AF-10 ARA-16 NEA-10

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C O N F I D E N T I A L STATE 140586

E.O. 11652: GDS

TAGS: PFOR, UN, UK

SUBJECT: "ALL STATES" ISSUES AT FORTHCOMING GA

REF: (A) USUN 2495 (B) USUN 2121 (NOTAL) (C) USUN 1545

(NOTAL)

1. DEPT APPRECIATES CONSIDERATIONS PROMPTING UK'S
SUGGESTED APPROACH TO SOVIETS ON "ALL STATES" PROBLEM PER
REFTEL A. WE ARE RELUCTANT, HOWEVER, TO ENDORSE APPROACH
FOR THE PRECISE REASONS STATED PARA 2 REFTEL: "STATES
MEMBERS" PROVIDES CLEAR FORMULA, AVOIDS POSSIBILITY OF
SECRETARIAT'S HAVING TO DETERMINE WHICH POLITICAL ENTITIES
ARE STATES, INCLUDES ALL WIDELY RECOGNIZED ENTITIES EXCEPT
DRV, AND EXCLUDES ENTITIES SUCH AS PRG, GRUNK, AFRICAN
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AND OTHER "LIBERATION MOVEMENTS."

2. PARTICULARLY BECAUSE "STATES MEMBERS" (VIENNA) FORMULA NOW COVERS ALL STATES BUT DRV, WE BELIEVE MOST GOVERNMENTS SHOULD NOT HAVE DIFFICULTY IN ACCEPTING IT IF PROVISION IS MADE FOR DRV. AS REPORTED REFTEL B, SMUN OFFICIAL AGREED THERE IS NOW LITTLE PRACTICAL DIFFERENCE BETWEEN "ALL STATES" AND VIENNA FORMULA. (WE, OF COURSE, SEE GREAT DIFFERENCE AND BENEFIT IN LATTER FORMULA'S EXCLUSION OF "LIBERATION MOVEMENTS" AND DEFINITION OF STATE DIFFICULTIES.) IF DRV IS INVITED, SOVIETS MAY FIND IT POSSIBLE TO AGREE TO DRAFT RESOLUTION WHICH IN EFFECT PRESERVES VIENNA FORMULA. AS OUTLINED REFTEL C, STAVROPOULOS SUGGESTED SUCH AN APPROACH, CITING 1966 GA RESOLUTION 2166 WHICH INVITED "STATES MEMBERS . . . AND STATES THAT THE GA DECIDES SPECIALLY TO INVITE" TO PARTICIPATE IN VIENNA CONFERENCE ON LAW OF TREATIES.

3. DEPT WOULD THEREFORE PREFER THAT SOVIET APPROVAL BE SOUGHT FOR DRAFT RESOLUTION WHICH WOULD INVITE "STATES MEMBERS OF THE UN, THE SPECIALIZED AGENCIES, THE IAEA, ICJ, AND THE DRV." WE WISH TO AVOID REFERENCE TO "STATES THAT THE GA DECIDES SPECIALLY TO INVITE" SINCE THIS MIGHT INCREASE POSSIBILITY OF ATTEMPTS IN GA BY SOVIETS, PRC AND/OR OTHERS TO INVITE VARIOUS OTHER ENTITIES. WE REALIZE SUCH ATTEMPTS MAY BE MADE REGARDLESS OF INVITATION FORMULA, PARTICULARLY WHERE PRG AND GRUNK ARE CONCERNED, AND WILL OPPOSE THEM VIGOROUSLY.

4. DEPT BELIEVES SOVIETS MAY IN FACT HAVE LESS DIFFICULTY WITH ABOVE LANGUAGE THAN WITH UK PHRASEOLOGY OUTLINED PARA 4, REFTEL A, INASMUCH AS LATTER APPEARS TO BE THINLY-VEILED RESTATEMENT OF VIENNA FORMULA WHICH IMPLIES THAT ONLY "STATES MEMBERS" AND DRV ARE STATES, NOTWITHSTANDING DISCLAIMER WHICH FOLLOWS. THERE ARE ALSO PRACTICAL DIFFICULTIES OF HOW SAFEGUARDING STATEMENT WOULD BE MADE - I.E., IN DRAFT RESOLUTION OR IN GA DEBATE, AND LIKELY PRC ATTITUDES AND ACTIONS.

5. REQUEST YOU CONSULT FURTHER WITH UKUN, PRESENT OUR VIEWS, AND REPORT. RUSH
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